

1 ELDA LUNA SIDHU
2 General Counsel
3 Nevada Bar No. 7799
4 SCOTT D. FLEMING
5 Assistant General Counsel
6 Nevada Bar No. 5638
7 J. MARTY HOWARD
8 Assistant General Counsel
9 Nevada Bar No. 1052
10 UNIVERSITY OF NEVADA, LAS VEGAS
11 4505 S. Maryland Parkway, Box 451085
12 Las Vegas, Nevada 89154-1085
13 Telephone: (702) 895-5185
14 Facsimile: (702) 895-5299
15 *Attorneys for Defendants the State
16 of Nevada ex rel. Board of Regents of
17 the Nevada System of Higher Education,
18 on behalf of the University of Nevada,
19 Las Vegas and Vernon Hodge*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

14 SUJANIE V.S.V. GAMAGE aka SUJANIE
GAMAGE SAMARASEK.

CASE NO

Plaintiff:

VS.

1 THE STATE OF NEVADA ex rel. BOARD
2 OF REGENTS OF THE NEVADA
3 SYSTEM OF HIGHER EDUCATION, on
4 behalf of THE UNIVERSITY OF
5 NEVADA, LAS VEGAS; a Political
6 Subdivision of the State of Nevada;
7 VERNON HODGE, individually and in his
8 official capacity as an employee of the
9 University of Nevada, Las Vegas; and DOES
10 I-XX inclusive.

**NOTICE OF REMOVAL OF ACTION
PURSUANT TO 28 U.S.C. SECTION
1441 – FEDERAL QUESTION**

23 Defendants.

TO: THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendants, The State of Nevada ex rel., its Board of Regents of the Nevada System of Higher Education, on behalf of the University of Nevada, Las Vegas (“UNLV”) and Vernon Hodge, individually and in his official capacity (“Hodge” and

1 collectively "Defendants") hereby remove the state court action described below to the United
 2 States District Court for the District of Nevada. In support of this removal, Defendants state the
 3 following:

4 1. Defendants have been named as parties in a case commenced by Sujanie Gamage
 5 Samarasek ("Plaintiff") on December 16, 2011 in the Eighth Judicial District Court for the State of
 6 Nevada identified by Case No. A-11-653304-C (the "State Court Action"). A true and correct
 7 copy of the *Complaint* filed in the State Court Action is attached as **Exhibit A**.

8 2. Plaintiff alleges in her complaint she is a student at the University of Nevada
 9 Las Vegas and was falsely accused of plagiarizing. Plaintiff alleges she subsequently
 10 attended a hearing before the Academic Integrity Appeal Panel where it was recommended
 11 she be removed from the Chemistry Ph.D. program. She alleges in part her U.S.
 12 Constitutional rights were violated. Plaintiff specifically alleges in her Sixth Cause of
 13 Action her civil rights have been violated and alleges a due process violation pursuant to
 14 the 5th and 14th Amendment to the United States Constitution. Plaintiff has alleged other
 15 state cases of action.

16 3. On February 2, 2012 and February 13, 2012, undersigned counsel accepted service of
 17 the Summons and Complaint in the State Court Action on behalf of UNLV. True and correct
 18 copies of the Affidavits of Service are attached as **Exhibit B and C**. Pursuant to NRS
 19 41.031(a)(b), service of the Summons and Complaint on UNLV must be served on the Attorney
 20 General's office in Carson City and the Chancellor. On February 22, 2012, undersigned counsel
 21 accepted service of process of the Summons and Complaint on behalf of Defendant Hodge. A true
 22 and correct copy of the Acceptance of Service of Process is attached as **Exhibit D**. Therefore, all
 23 named defendants join in this Notice of Removal.

24 4. No other proceedings have taken place in the State Court Action.

25 5. Defendants respectfully submit that this Court has original jurisdiction over the subject
 26 matter of this action under the provisions of 28 U.S.C. § 1331 in that this is an action arising under
 27 federal statute and/or the United States Constitution. Therefore, pursuant to 28 U.S. C. § 1441 (a)-
 28 (b) the Defendants are entitled to remove this action to this Court. Additionally, this Honorable

1 Court has jurisdiction over the pendent state law claims pursuant to 28 U.S.C. § 1441(c); 28 U.S.C.
2 § 1367.

3 6. This Court is the proper venue based upon the allegations within Plaintiff's complaint
4 pursuant to 28 U.S.C. § 1441(a), which provides, in pertinent part, the following:

Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

7. A copy of this Notice of Removal will be filed in the state court action.

8. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

12 9. A true and correct copy of this Notice of Removal will be filed in the State Court
13 action

14 Based upon the foregoing, Defendants remove the attached action, to this Court.

DATED: February 12, 2012.

ELDA LUNA SIDHU
General Counsel
Nevada Bar No. 7799
SCOTT D. FLEMING
Assistant General Counsel
Nevada Bar No. 5638
J. MARTY HOWARD
Assistant General Counsel
Nevada Bar No. 1052
UNIVERSITY OF NEVADA, LAS VEGAS
4505 South Maryland Parkway, Box 451085
Las Vegas, Nevada 89154-1085
*Attorneys for Defendants the State
of Nevada ex rel. Board of Regents of
the Nevada System of Higher Education,
on behalf of the University of Nevada,
Las Vegas and Vernon Hodge*

CERTIFICATE OF MAILING

I certify that on this date, February 22, 2012, I mailed a copy of the foregoing **NOTICE OF REMOVAL OF ACTION PURSUANT TO 28 U.S.C. SECTION 1441 – FEDERAL QUESTION** via first class mail, postage pre-paid to the following:

5 Jason J. Bach, Esq.
6 Nevada Bar No. 7984
7 Michael L. Mascarello, Esq.
8 Nevada Bar No. 10673
THE BACH LAW FIRM, LLC
9 6053 S. Fort Apache Rd., Suite 130
Las Vegas, Nevada 89148
Telephone: (702) 925-8787
Facsimile: (702) 925-8788
10 *Attorneys for Plaintiff*

Angela Christie

An employee of the Office of General Counsel
University of Nevada, Las Vegas

EXHIBIT A

CIVIL COVER SHEET

A - 1 1 - 6 5 3 3 0 4 - C

Clark County, Nevada
Case No. XXXX - XXXII
*(Assigned by Clerk's Office)***I. Party Information**Plaintiff(s) (name/address/phone): SUJANIE V.S.V. GAMAGE
aka SUJANIE GAMAGE SAMARASEK

Attorney (name/address/phone):

Jason J. Bach and Michael L. Mascarello of The Bach Law Firm, LLC, 6053 South Apache Road, Suite 130, Las Vegas, NV 89148 (702) 925-8787

Defendant(s) (name/address/phone): THE STATE OF NEVADA, ex rel BOARD OF REGENTS OF THE NEVADA SYSTEM OF HIGHER EDUCATION, on behalf of the UNIVERSITY OF NEVADA, LAS VEGAS; VERNON HODGE; DOES I-XX

Attorney (name/address/phone):

 Arbitration Requested**II. Nature of Controversy** (Please check applicable bold category and applicable subcategory, if appropriate)

Civil Cases

Real Property	Torts
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	Negligence <input type="checkbox"/> Negligence – Auto <input type="checkbox"/> Negligence – Medical/Dental <input type="checkbox"/> Negligence – Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence – Other <input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition

Probate	Other Civil Filing Types	
Estimated Estate Value: _____ <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input checked="" type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input checked="" type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Foreclosure Mediation <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment – Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters

III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

<input type="checkbox"/> NRS Chapters 78-88	<input type="checkbox"/> Investments (NRS 104 Art. 8)	<input type="checkbox"/> Enhanced Case Mgmt/Business
<input type="checkbox"/> Commodities (NRS 90)	<input type="checkbox"/> Deceptive Trade Practices (NRS 598)	<input type="checkbox"/> Other Business Court Matters
<input type="checkbox"/> Securities (NRS 90)	<input type="checkbox"/> Trademarks (NRS 600A)	

12/16/2011

Date

Signature of initiating party or representative

See other side for family-related case filings.

COMP
JASON J. BACH, ESQ.
Nevada Bar No. 7984
MICHAEL L. MASCARELLO, ESQ.
Nevada Bar No. 10673
THE BACH LAW FIRM, LLC
6053 S. Fort Apache Rd., Suite 130
Las Vegas, NV 89148
Tel: (702) 925-8787
Fax: (702) 925-8788
Attorneys for Plaintiff

CLERK OF THE COURT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

* * * *

SUJANIE V.S.V. GAMAGE aka SUJANIE)
GAMAGE SAMARASEK)
Plaintiff,)
v.)
THE STATE OF NEVADA, ex. Rel. BOARD)
OF REGENTS OF THE NEVADA SYSTEM OF)
HIGHER EDUCATION, on behalf of the)
UNIVERSITY OF NEVADA, LAS VEGAS;)
a Political Subdivision of the State of Nevada;)
VERNON HODGE, individually and in his official)
capacity as an employee of the University of)
Nevada, Las Vegas; and DOES I-XX)
inclusive,)
Defendants.)

) A - 1 1 - 6 5 3 3 0 4 - C
CASE NO.:
DEPT NO.: XXXII
EXEMPT FROM ARBITRATION
Action in equity

COMPLAINT

COMES NOW, Plaintiff, SUJANIE V.S.V. GAMAGE (hereinafter referred to as "Plaintiff"), by and through her attorneys of record, Jason J. Bach, Esq. and Michael L. Mascarello, Esq. of The Bach Law Firm, LLC, and hereby complains and alleges against the above-named Defendants, and each of them, based upon knowledge, information and a reasonable belief derived therefrom, as follows:

1. Plaintiff, SUJANIE V.S.V. GAMAGE, is currently a resident of Clark County, State of Nevada, and at all relevant times, was a student at the University of Nevada, Las Vegas.

1 2. Defendant THE STATE OF NEVADA, ex. Rel. BOARD OF REGENTS OF THE
 2 NEVADA SYSTEM OF HIGHER EDUCATION, on behalf of the UNIVERSITY OF NEVADA,
 3 LAS VEGAS is a political subdivision of the State of Nevada and operates the University of Nevada,
 4 Las Vegas (hereinafter referred to as "UNLV"), a public educational institution of higher learning.

5 3. Defendant VERNON HODGE is employed by UNLV as a professor in the
 6 Department of Chemistry. He is named in this case both individually and in his official capacity.

7 5. That the true names or capacities, whether individual, corporate, associate or
 8 otherwise, of Defendants DOES I through XX are unknown to Plaintiff, who therefore, sues said
 9 Defendants by such fictitious names.

10 6. Plaintiff is informed and believes and thereon alleges that each of the Defendants
 11 designated herein as DOES are responsible in some manner for the events and happenings referred
 12 to in this action and proximately caused damages to Plaintiff as herein alleged, and that Plaintiff will
 13 ask leave of this Court to amend this Complaint, to insert the true names and capacities of said
 14 Defendants, and when the same have been ascertained to join such Defendants in this action.

15 7. At all times relevant hereto, and in all their actions described herein, Defendants'
 16 actions took place in the State of Nevada, County of Clark.

17 8. Plaintiff was a student at the University of Nevada, Las Vegas in the Chemistry Ph.D.
 18 program and was expected to graduate in Spring of 2011.

19 9. Plaintiff began working on her Chemistry dissertation in early 2010. On February
 20 23, 2011, Plaintiff submitted a draft of her dissertation to her Ph.D. advisory committee.

21 10. On June 14, 2011, Defendant, Vernon Hodge, filed a report to Defendant, Phillip
 22 Burns, containing numerous false allegations that Plaintiff committed academic misconduct by
 23 submitting a dissertation that contained plagiarized text.

24 11. UNLV defines plagiarism in the Student Conduct Code as using the words or ideas
 25 of another, from the internet or any other source, without proper citation of the source(s). Yet, there
 26 is not one section in Plaintiff's dissertation that does not contain proper citation to her sources.

27 12. On July 30, 2011, Phillip Burns, UNLV Student Conduct Coordinator, notified
 28 Plaintiff that he received information that Plaintiff may have violated the Student Conduct Code by

Bach Law Firm, L.L.C.
 6053 S. Font Apache Rd., Suite 130
 Las Vegas, Nevada 89148
 Tel: (702) 955-8787 Fax: (702) 955-8788
www.bachlawfirm.com

1 committing academic misconduct.

2 13. On October 20, 2011, Plaintiff attended a hearing before an Academic Integrity
3 Appeal Panel. The Panel subsequently issued findings that Plaintiff was responsible for academic
4 misconduct based upon Hodge's allegations of plagiarism, that Plaintiff had multiple opportunities
5 to correct the plagiarism but did not, and that Plaintiff admitted to making "mistakes" and did not
6 know how to correct those mistakes. The Panel recommended that Plaintiff be removed from the
7 Chemistry Ph.D. program because of plagiarism.

8 14. Plaintiff was completely shocked and distraught upon learning of these allegations
9 that were made against her. The allegations were completely false and without any evidentiary
10 support.

11 15. At the hearing on October 20, 2011, Defendants failed to allow Plaintiff to be
12 represented and/or assisted by an advisor, intentionally causing Plaintiff to be ineffective at
13 representing herself at said hearing, all in violation of her U.S. Constitutional Rights, the UNLV
14 Student Conduct Code, and the Nevada System of Higher Education (NSHE) Code.

15 16. At the hearing, Plaintiff presented testimony and evidence that contradicted Dr.
16 Hodge's allegations, yet the Panel still recommended Plaintiff's dismissal from the program, all in
17 violation of her U.S. Constitutional Rights, the UNLV Student Conduct Code, and the Nevada
18 System of Higher Education (NSHE) Code.

19 17. Despite the fact that no competent evidence was ever presented to support any of the
20 allegations made against Plaintiff, Defendants found Plaintiff to be "Responsible" for student
21 academic misconduct, completely ignoring the evidence that exonerated Plaintiff, thus making
22 Defendants' decision arbitrary and capricious.

23 18. As a result of Defendants' arbitrary and capricious decision, Plaintiff was removed
24 from the Chemistry Ph.D. program, forever tarnishing her educational transcript and record, as well
25 as causing severe psychological and physical injuries, all in violation of her U.S. Constitutional
26 Rights, the UNLV Student Conduct Code, and the Nevada System of Higher Education (NSHE)
27 Code.

28 19. As a result of Defendants' arbitrary, capricious, and unlawful actions, Plaintiff has

been prevented from completing her Chemistry Ph.D. program at UNLV.

20. As a result of the above, Defendants actions, and each of them, they have wrongfully caused Plaintiff to be sanctioned and removed from the University and for the above-noted sanctions to be wrongly placed on her record, all in violation of her U.S. Constitutional Rights, depriving her of the opportunity to obtain an education and further her career, and inflicting emotional distress and physical injury, all damaging her in an amount in excess of TEN THOUSAND DOLLARS (\$10,000.00).

FIRST CAUSE OF ACTION

BREACH OF CONTRACT

21. Paragraphs 1 through 20, inclusive are incorporated by reference.
22. Plaintiff has an express and implied contract with Defendants in connection with rights explicitly guaranteed by UNLV pursuant to the UNLV Student Handbook, UNLV Student Conduct Code and the NSHE Code.
23. The actions of Defendants constitute a breach of the express and implied contract.
24. As a result of the breach committed against the Plaintiff, she has been damaged in an amount in excess of TEN THOUSAND DOLLARS (\$10,000.00).
25. It has been necessary for the Plaintiff to obtain the services of an attorney to prosecute this action, and Plaintiff is entitled to an award of attorney's fees and costs of suit incurred herein.

SECOND CAUSE OF ACTION

NEGLIGENCE / NEGLIGENT HIRING, TRAINING, & SUPERVISION

26. Paragraphs 1 through 25, inclusive, are incorporated by reference.
27. At all times material and relevant herein, the Defendants had a duty to not violate the Constitutional rights of their students.
28. At all times relevant herein, Defendant UNLV had a duty not to hire individuals with a propensity towards committing unlawful acts against those who lawfully go about their business, and to adequately train and supervise their agents, officers, and employees.

29. At all times relevant herein, the Defendant UNLV had a duty to protect the public, such as Plaintiff, from the illegal actions of their own agents, officers, employees and others. In

1 addition, Defendant UNLV had a duty not to hire individuals with a propensity towards committing
 2 unlawful acts against the public, and to adequately train and supervise their employees.

3 30. Defendants, and each of them, breached their respective duties, and are therefore
 4 negligent and liable to the Plaintiff, who has suffered serious economic loss, loss of reputation, loss
 5 of daily and future income, and to incur severe financial obligations in order to retain attorneys, as
 6 well as other painful injuries, deprivation of his liberty, invasion of his privacy, grievous mental
 7 suffering, all to her damage in an amount in excess of TEN THOUSAND DOLLARS (\$10,000.00).

8 31. It has been necessary for the Plaintiff to obtain the services of an attorney to prosecute
 9 this action, and Plaintiff is entitled to an award of attorney's fees and costs of suit incurred herein.

10 **THIRD CAUSE OF ACTION**

11 ***INTENTIONAL AND NEGLIGENT INFILCTION OF SEVERE MENTAL DISTRESS***

12 32. Paragraphs 1 through 31, inclusive, are incorporated by reference.

13 33. As a result of Defendants' intentional and negligent conduct and omissions, Plaintiff,
 14 suffered and continues to suffer great mental and emotional harm, anguish, insecurity, self-revulsion,
 15 damage to her self-esteem, and self-worth, shame and humiliation, including but not limited to:
 16 severe and clinical depression, anxiety, loss of sleep, and change of appetite.

17 34. Plaintiff has required medical and psychological care as result of the malfeasance and
 18 nonfeasance of Defendants. This has caused Plaintiff to incur expenses for medical care, treatment,
 19 and expenses incidental thereto.

20 35. As a result of the mental distress described above, Plaintiff has suffered serious
 21 psychological injury, loss of community reputation, medical expenses, and to incur severe financial
 22 obligations in order to retain attorneys to seek redress against the unlawful conduct of the
 23 Defendants, as well as deprivation of his liberty, invasion of his privacy, and grievous mental
 24 suffering, all to damages in an amount in excess of TEN THOUSAND DOLLARS (\$10,000.00).

25 36. The acts, conduct and behavior of the Defendants were performed willfully,
 26 intentionally, oppressively, fraudulently and maliciously, by reason of which Plaintiff, is entitled to
 27 punitive damages in a sum in excess of TEN THOUSAND DOLLARS (\$10,000.00).

28 37. It has been necessary for Plaintiff to obtain the services of an attorney to prosecute

1 this action, and Plaintiff is entitled to an award of attorney's fees and costs of suit incurred herein.

2 **FOURTH CAUSE OF ACTION**

3 ***INJUNCTIVE AND DECLARATORY RELIEF***

4 38. Paragraphs 1 through 37 inclusive are incorporated by reference.

5 39. Defendant actions of removing Plaintiff from the Chemistry Ph.D. program and
6 preventing Plaintiff from graduating from the University and continuing in her program at UNLV
7 and the placing of notations of any accusations, findings, or sanctions against her, in Plaintiff's
8 student file or upon her transcript, is unjust and illegal.

9 40. As a result of Defendant's arbitrary, capricious, and unlawful actions, Plaintiff has
10 been prevented from attending classes at UNLV, thus halting and destroying her ability to complete
11 her chemistry program or to ever enter her chosen profession, thus the actions of Defendants will
12 cause Plaintiff to suffer immediate and irreparable harm if she is not permitted to enroll in the UNLV
13 Chemistry Ph.D. program and complete her graduation requirements.

14 41. That due to Defendants' arbitrary and capricious and unlawful actions, Plaintiff has
15 a reasonable probability of success on the merits of her case.

16 42. The harm caused by Defendant is irreparable and can only be mitigated by the
17 reinstatement of Plaintiff as a student and omission of any notations. For that reason, Plaintiff is
18 entitled to an order requiring Defendants to immediately allowing her to enroll in the Chemistry
19 Ph.D. program, remove any notations of any accusations, findings or sanctions, and prohibiting
20 Defendants from further unlawfully interfering with Plaintiff's educational future.

21 43. As a result of the acts committed against Plaintiff, she has been damaged all in an
22 amount in excess of TEN THOUSAND DOLLARS (\$10,000.00).

23 44. As a result of Defendants' intentional conduct, they have caused Plaintiff to incur
24 attorney's fees in an amount in excess of TEN THOUSAND DOLLARS (\$10,000.00) and thus
25 Plaintiff is entitled to an award of attorney's fees.

26 **FIFTH CAUSE OF ACTION**

27 ***DEFAMATION, LIBEL AND SLANDER PER SE***

28 45. Paragraphs 1 through 44 inclusive are incorporated by reference.

1 46. That Defendants' made false statements both verbally and written, including but not
2 limited to, statements regarding Plaintiff's abilities as a chemist and Plaintiff's integrity.

3 47. These statements described above were made to third parties, including Plaintiff's
4 classmates and professors not involved in the Plaintiff's academic misconduct violations and
5 severely harmed the reputation and character of the Plaintiff.

6 48. That Plaintiff has suffered loss of reputation, shame, mortification and hurt feelings
7 as a result of Defendants deliberate, malicious, intentional, and oppressive conduct.

8 49. As a direct and proximate result of the false statements made by Defendants, Plaintiff
9 has suffered injury and damages all in an amount in excess of TEN THOUSAND DOLLARS
10 (\$10,000.00).

11 50. The acts, conduct and behavior of each of the individual Defendants were performed
12 knowingly, intentionally, oppressively, and maliciously, by reason of which, Plaintiff is entitled to
13 punitive damages in a sum in excess of TEN THOUSAND DOLLARS (\$10,000.00).

14 51. It has been necessary for the Plaintiff to obtain the services of an attorney to
15 prosecute this action, and Plaintiff is entitled to an award of attorney's fees and costs of suit
16 incurred herein.

SIXTH CAUSE OF ACTION

CIVIL RIGHTS VIOLATION, DUE PROCESS VIOLATION, FIFTH AND FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION

20 52. Paragraphs 1 through 51, inclusive are incorporated by reference.

21 53. The actions of Defendants resulted from, and were taken, pursuant to a *de facto* policy
22 of Defendant UNLV, which is implemented by administrators, directors, agents, and other employees
23 of the said Defendants, all acting under the color of law, who chose to violate Plaintiff's
24 constitutional rights, without rightful authority of law, and who continue to violate Plaintiff's
25 constitutional rights on an on-going basis by preventing her from returning to school, and effectively
26 preventing her from being admitted to another institution of higher learning.

27 54. Supervisory and policy making officers and officials of said Defendants have known
28 the existence of the *de facto* policy described above for a substantial period of time.

1 55. Despite their knowledge of the said illegal policy and practices, supervisory and
 2 policy-making officers and officials of the said Defendants have not taken steps to determine said
 3 practices, have not disciplined or otherwise properly supervised the individual employees who
 4 engaged in the said practices, have not effectively trained the administrators, directors, agents, and
 5 other employees with regard to the proper constitutional and statutory limits on the exercise of their
 6 authority, and have instead sanctioned the policy and the practices described herein.

7 56. That the above actions by Defendants have resulted in both the substantive and
 8 procedural due process denial of rights, all in violation of the Fifth and Fourteenth Amendment to
 9 the United States Constitution.

10 57. That by reason of the aforesaid actions, Defendants' actions exhibit deliberate
 11 indifference to and/or reckless disregard for the constitutional rights of Plaintiff and other similarly
 12 situated students, all in violation of the Plaintiff's constitutional rights, and as a direct and proximate
 13 result thereof, the Plaintiff sustained severe damages in an amount in excess of TEN THOUSAND
 14 DOLLARS (\$10,000.00).

15 58. The acts, conduct and behavior of each of the Individual Defendant's was performed
 16 knowingly, intentionally, oppressively, and maliciously, by reason of which Plaintiff is entitled to
 17 punitive damages in a sum in excess of TEN THOUSAND DOLLARS (\$10,000.00).

18 59. It has been necessary for the Plaintiff to obtain the services of an attorney to prosecute
 19 this action and Plaintiff is entitled to an award of attorney's fees and costs of suit incurred herein.

20 ***WHEREFORE***, Plaintiff prays that this Honorable Court enter judgment in Plaintiff's favor,
 21 and against the Defendants, and each of them:

- 22 1. For compensatory damages in an amount in excess of TEN THOUSAND DOLLARS
 (\$10,000.00);
- 23 2. For punitive damages each in an amount in excess of TEN THOUSAND DOLLARS
 (\$10,000.00);
- 24 3. For Injunctive Relief, including reinstating Plaintiff in the Chemistry, Ph.D. program
 to allow her to graduate; and
- 25 4. Together with the costs and disbursements of this action and such other attorney's

The Bach Law Firm, LLC
6053 S. Fort Apache Rd., Suite 130
Las Vegas, Nevada 89148
Tel: (702) 925-8787 Fax: (702) 925-8788
www.BachLawFirm.com

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

fees pursuant to 42 U.S.C. §1988, and further relief as justice requires.
DATED this 19 day of December, 2011.

THE BACH LAW FIRM, LLC



JASON J. BACH, ESQ.
Nevada Bar No. 7984
MICHAEL L. MASCARELLO, ESQ.
Nevada Bar No. 10673
6053 S. Fort Apache Rd., Suite 130
Las Vegas, NV 89148
Tel.: (702) 925-8787
Attorneys for Plaintiff

EXHIBIT B

EIGHTH JUDICIAL DISTRICT COURT
STATE OF NEVADA, CLARK COUNTY

AFFIDAVIT OF SERVICE

Index no : A653304

Plaintiff(s): SUJANIE V.S.V. GAMAGE AKA SUJANIE GAMAGE SAMARASEK

-vs-

Defendant(s): THE STATE OF NEVADA, EX. REL. BOARD OF REGENTS OF THE NEVADA
SYSTEM OF HIGHER EDUCATION, ET AL.

STATE OF NEVADA
COUNTY OF CARSON CITY ss.:

Electronically Filed
02/22/2012 07:57:24 AM

WADE MORLAN, the undersigned, being duly sworn, deposes and says:

The affiant received copy(ies) of the Summons; Complaint; Civil Cover Sheet on 02/02/2012 and served the same on 02/02/2012 at 10:45 AM by delivering and leaving a copy with:

Attn: D. Guinn
CLERK OF THE COURT

TRINA GIBSON, OF THE OFFICE OF THE ATTORNEY GENERAL, ADMINISTRATIVE ASSISTANT who stated he/she is authorized to accept service on behalf of STATE OF NEVADA.

100 N. CARSON ST, CARSON CITY, NV 89705

A description of TRINA GIBSON, OF THE OFFICE OF THE ATTORNEY GENERAL is as follows:

Sex	Color of skin/race	Color of hair	Age(Approx)	Height(Approx)	Weight(Approx)
Female	Caucasian	BRN	40'S	5'4	165LBS
Other Features:					

Sworn to and subscribed before me on the
02/17/2012 WADE MORLAN

Notary



X
WADE MORLAN
License#: R-006823
Paradigm Attorney Services
915 E. Bonneville
Las Vegas, NV 89101
702-385-7874

PARADIGM ATTORNEY SERVICE
915 E. BONNEVILLE AVE
LAS VEGAS, NV 89101



1524

EXHIBIT C

DISTRICT COURT
CLARK COUNTY, NEVADA
AFFIDAVIT OF SERVICE

Case No.: A653304

Electronically Filed
02/22/2012 07:58:05 AM

SUJANIE V.S.V GAMAGE a/k/a SUJANIE GAMAGE SAMARASEK

Plaintiff/Petitioner,

vs.

THE STATE OF NEVADA, ex Rel, BOARD OF REGENTS OF THE
NEVADA SYSTEM OF EDUCATION, on behalf of the UNIVERSITY OF
NEVADA, LAS VEGAS

Defendant/Respondent,

STATE OF NEVADA
COUNTY OF CLARK ss.:

Received by Paradigm Attorney Service, Inc. on 01/04/2012.

I, Bruce Feher, being duly sworn says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to or interested in the proceeding in which this affidavit is made.
I am authorized to serve this process in the circuit/county it was served in.

On 02/13/2012 at 11:10 AM, I served the within Summons; Complaint on THE STATE OF NEVADA, ex. Rel. BOARD OF REGENTS OF THE NEVADA SYSTEM OF HIGHER EDUCATION, on behalf of the COLLEGE OF SOUTHERN NEVADA at 5550 W. Flamingo Rd. # C-1, Las Vegas, NV 89103 in the manner indicated below:

SUITABLE AGE: By delivering thereat a true copy of each to Daniel J. Klaich, AUTHORIZED TO ACCEPT of THE STATE OF NEVADA, ex. Rel. BOARD OF REGENTS OF THE NEVADA SYSTEM OF HIGHER EDUCATION, on behalf of the COLLEGE OF SOUTHERN NEVADA, a person of suitable age and discretion. Said premises is THE STATE OF NEVADA, ex. Rel. BOARD OF REGENTS OF THE NEVADA SYSTEM OF HIGHER EDUCATION, on behalf of the COLLEGE OF SOUTHERN NEVADA's usual place of business within the state.

A description of the Recipient, or other person served on behalf of the Recipient is as follows:

Sex	Color of skin/race	Color of hair	Age	Height	Weight
Male	Caucasian	Gray	60	Over 6'	161-200 lbs
Other Features:					

Sworn to and subscribed before me on

FEBRUARY 21, 2012
by an affiant who is personally known to
me or produced identification.

NOTARY PUBLIC


Bruce Feher
License#: R-052921
Paradigm Attorney Service, Inc.
915 E. Bonneville Ave.
Las Vegas, NV 89101
702-385-7874
Atty File#:

Job Number:1650

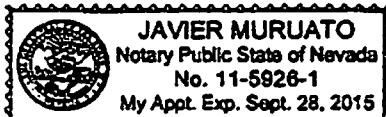


EXHIBIT D

1 JASON J. BACH, ESQ.
2 Nevada Bar No. 7984
3 MICHAEL L. MASCARELLO, ESQ.
4 Nevada Bar No. 10673
5 THE BACH LAW FIRM, LLC
6 6053 S. Fort Apache Rd., Suite 130
7 Las Vegas, NV 89148
8 Tel: (702) 925-8787
9 Fax: (702) 925-8788
10 Attorneys for Plaintiff

11
12 DISTRICT COURT
13 CLARK COUNTY, NEVADA

14 * * * * *

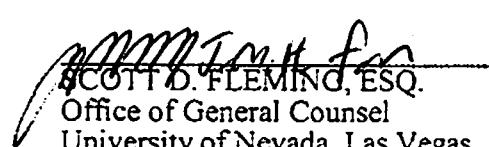
15 SUJANIE V.S.V. GAMAGE aka SUJANIE)
16 GAMAGE SAMARASEK)
17 Plaintiff,) CASE NO.: A653304
18 v.) DEPT NO.: XXXII
19 THE STATE OF NEVADA, ex. Rel. BOARD)
20 OF REGENTS OF THE NEVADA SYSTEM OF)
21 HIGHER EDUCATION, on behalf of the)
22 UNIVERSITY OF NEVADA, LAS VEGAS;)
23 a Political Subdivision of the State of Nevada;)
24 VERNON HODGE, individually and in his official)
25 capacity as an employee of the University of)
26 Nevada, Las Vegas; and DOES I-XX)
27 inclusive,)
28 Defendants.)

ACCEPTANCE OF SERVICE
OF PROCESS

29 The undersigned, SCOTT FLEMING, ESQ., is duly authorized to accept service of process
30 in the above-entitled matter on behalf of Defendant, VERNON HODGE. Accordingly, the
31 undersigned accepts service of *Summons and Plaintiff's Complaint* in the above entitled matter.

32 DATED this 21 day of February, 2012.

33 OFFICE OF GENERAL COUNSEL, UNLV

34 
35 SCOTT D. FLEMING, ESQ.
36 Office of General Counsel
37 University of Nevada, Las Vegas
38 4505 S. Maryland Parkway
39 Las Vegas, NV 89154-1085